

PATENT

Attorney Docket No. 018158-024500US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

CHERNYAK, DIMITRI A. et al.

Application No.: 10/808,728

Filed: March 24, 2004

For: CALIBRATING LASER BEAM  
POSITION AND SHAPE USING AN  
IMAGE CAPTURE DEVICE

Examiner: Unassigned

Art Unit: 2877

**REQUEST FOR AMENDMENT OF  
INVENTORSHIP UNDER  
37 C.F.R. § 1.48(a)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request that the named inventors of the above-referenced application be amended under 37 C.F.R. § 1.48(a). The inventive entity set forth in the originally executed Declaration for this case was in error, and that error arose without any deceptive intention. This application is not involved in an interference.

Applicants have complied with the requirements of 37 C.F.R. § 1.48(a)(1)-(5), as follows:

1. Applicants request that the inventorship be changed from the currently named inventors (Dimitri A. Chernyak and Keith Holliday) to instead recite the correct inventors of the pending claims, as follows:

DIMITRI A. CHERNYAK

KEITH HOLLIDAY

MATHEW CLOPP

Applicants note that the desired inventorship change includes adding Mathew Clopp as an inventor.

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2. Attached is a statement from Mathew Clopp, the person being added as an inventor, that the error in inventorship occurred without deceptive intent. No other person is being added or deleted as an inventor in the requested correction of inventorship.
3. A Declaration signed by the actual inventors as required under 37 C.F.R. §1.63 is attached.
4. The processing fee set forth in 37 C.F.R. § 1.17(i) in the amount of \$130.00 is authorized to be charged to Deposit Account No. 20-1430.
5. Attached is a Written Consent of the Assignee Under 37 C.F.R. § 1.48(a)(5), and a Statement Under 37 C.F.R. § 3.73(b) signed by an officer of the Assignee, VISX, Incorporated.

Respectfully submitted,



Nena Bains  
Reg. No. 47,400

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
NB:gsh  
60302893 v1





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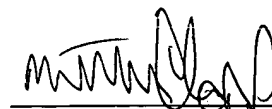
**STATEMENT UNDER**  
**37 C.F.R. § 1.48(a)(2)**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, **Mathew Clopp**, hereby state that the error in inventorship in U.S. Patent Application Serial No. 10/808,728, filed March 24, 2004, entitled "CALIBRATING LASER BEAM POSITION AND SHAPE USING AN IMAGE CAPTURE DEVICE," which omitted my name as an inventor, occurred without any deceptive intention on my part. I am a co-inventor of at least one of the pending claims.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of United States Code, and that such willful false statements may jeopardize the validity of U.S. Patent Application Serial No. 10/808,728 or any patent issuing thereon.

Respectfully submitted,

Date: 10/4/04  
Mathew Clopp





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**WRITTEN CONSENT UNDER  
37 C.F.R. § 1.48(a)(5)**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, the undersigned, on behalf of VISX, Inc., an assignee of 100 percent interest in U.S. Patent Application Serial No. 10/808,728, hereby agree to the change of inventorship in that application by adding Mathew Clopp as an additional co-inventor. Attached herewith is a Certificate under 37 C.F.R. § 3.73 (b), which establishes said ownership rights.

VISX, Inc.

Date: 10-4-04By: Douglas H. Post  
Douglas H. Post  
Title: President